

REMARKS

In the outstanding Final Office Action, the Examiner is of the opinion that claims 3-6, 9, 10, 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art container and seal element illustrated in Figs. 1 and 2 of the present application.

In response to Applicants' previous amendment and arguments concerning the bending of the protruding part of the present seal as opposed to a compressive action, the Examiner is of the opinion that "the bending of the protruding part of the seal element is also compressed to a certain degree by the door." The Examiner further admits that while the seal of the present invention does not function as claimed, the functional limitation of the "whereby" clause is not given patentable weight.

Applicants have amended independent claims 9 and 13. In particular, claim 9 has been amended so that the features that were previously presented in the "whereby" clauses are now positively recited. For example, an angle of the protruding part is selected so that when the recited load is applied, the sealing element flexes in the claimed manner. In addition, the container main body, the door element, and the protruding part are constructed and oriented to create and permit the claimed flow of air (venting). Consequently and since these features are positively recited, they should be given patentable weight since they limit and further define *structural* characteristics of the claimed seal element.

Applicants respectfully disagree with the Examiner's statements that the orientation of the protruding part is merely a matter of design choice. Instead and as is clearly set forth in the specification, the provision of a flexible, obliquely protruding portion serves a specific purpose and produces desirable results in that in contrast to the construction of the conventional sealing element of Figs. 1 and 2, the sealing element of the present invention produces a better air tight seal due to the construction of the sealing element and its specific orientation.

In addition, the independent claims have been amended to recite that the angle of the protruding part, with respect to a line from the outer periphery of the endless portion to the open

front of the container, is selected so that when the claimed load is applied, the protruding part is prevented from flexing in a reverse direction inward toward the endless portion. This feature is described in the specification at paragraph [0061] of the published patent application. Applicants respectfully submit that the prior art seal element is clearly not constructed in this manner and in particular, the angle of the protruding part of the prior art seal is such that the protruding part can flex in a reverse direction toward the endless portion, something which is undesirable and jeopardizes the integrity of the seal.

In other words, the prior art seal element lacks the claimed angle of the protruding part and in fact, in use, the prior art seal element will operate in an inferior manner since it will flex in the reverse direction toward the endless portion.

Since at least the above feature is neither disclosed nor contemplated by the prior art seal element of Figs 1 and 2, withdrawal of the rejection is in order and is respectfully requested at this time.

Claims 4, 6 and 10 should be allowed as depending from what should be an allowed independent claim 9, as amended.

Independent claim 13 has been amended in the same manner that claim 1 has been amended and therefore, for the reasons discussed above, with reference to claim 1, Applicants respectfully submit that the rejection of claim 13, as amended, should be withdrawn and the claim passed to issue. Reconsideration and allowance of amended claim 13 are earnestly solicited at this time.

Claims 3, 5 and 12 should be allowed as depending from what should be an allowed independent claim 13, as amended.

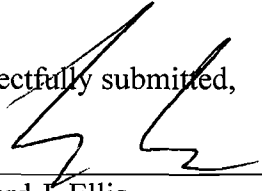
Application No. 09/998,621
Amendment dated July 10, 2007
After Final Office Action of April 10, 2007

Docket No.: 03404/000K075-US0

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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